(4)

No. 91-1489

Supreme Court, U.S.
F I L E D
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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1991

MONTE LEE,

Petitioner,

vs.

UNITED STATES GOVERNMENT,

Respondents.

REPRINTED COPY

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

REPLY BRIEF TO THE BRIEF FOR THE UNITED STATES IN OPPOSITION

MONTE LEE
6520 B Selma Avenue
Hollywood, California 90028
(213) 465-6575

Petitioner Pro Se

QUESTION PRESENTED

Whether the court of appeals properly affirmed the dismissal of a complaint oontaining the same claims that had been dismissed with prejudice in several previous cases.

LIST OF PARTIES TO THE PROCEEDING

Monte Lee and the Executive, Legislative and Judicial branches of government.

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PETITIONER'S REPLY BRIEF TO BRIEF FOR THE UNITED STATES IN OPPOSITION

JURISDICTION

A timely petition for rehearing with suggestion for rehearing en banc was denied on November 25, 1991. The petition for a writ of certiorari was filed on February 5, 1992. The jurisdiction of this Court is invoked under 28 U.S.C. Sec. 1254, n.7.

CONSTITUTION, FEDERAL AND STATE STATUTES

The relevant portions of the Constitution and federal and state statutes are adequately set forth in the Reply to the Opposition.

STATEMENT

Plaintiff filed this action on June 18, 1990, naming as defendant the UNITED STATES GOVERNMENT. The Complaint for Damages alleges that it is UNCONSTITUTIONAL FOR THE GOVERNMENT TO PROTECT TAX EVADER, OBSTRUCTION OF JUSTICE, and VIOLATOR OF ANTITRUST LAWS.

On February 15, 1987, plaintiff informed Congress that on January 12, 1987, the Justices of the United States Supreme Court, on behalf of themselves, the Government, and the President, chose to aid, and abet, crime in the People's court system by

invoking the supposed doctrine of judicial immunity with the words "certiorari denied." That the doctrine of absolute judicial immunity served as a license to aid, abet, protect and cover up illegal attorney/judge alliances knowingly and intentionally protecting crime in the People's courtrooms, and that PRESIDENT RONALD REAGAN, Attorney General WILLIAM FRENCH SMITH, Solicitor General REX E. LEE, Chief Justice WARREN E. BURGER, et al., had the power to prevent or aid in preventing the commission of the same, but refused to do so. Instead, they chose to protect the crime and the immunity.

This action covers four (4 PETITIONS TO THE UNITED STATES SUPREME COURT FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, U.S.C. No. 80-1039, No. 83-1208, No. 86-821, and No. 89-591.

The justices were reminded that Article 6 of the Constitution makes the Constitution the "supreme law of the land." In 1803, Chief Justice MARSHALL, speaking for a unanimous Court, referring to the Constitution, as "the fundamental and paramount law of the nation," declared in the notable case of Marbury v. Madison, 1 Cranch 137, 2 L.Ed. 60 (1803) that "It is emphatically the province and duty of the judicial department to say what the law is."

"Every state legislator and executive and judicial officer is solemnly committed by oath to support this Constitution."

The United States Supreme Court slammed its door shut on the four (4) petitions with the words, "certiorari denied."

That on May 23 and on May 30, 1987, plaintiff turned to Four Hundred Thirty-five (435) individual member of Congress, One Hundred (100) individual United States

Senators, President RONAL REAGAN, and Cabinet Members and asked if they would oppose an investigation by a special prosecutor, all to no avail.

The Complaint is filed and these proceedings are instituted against the Government for its violations of the following:

Article I, Section 1

THE LEGISLATIVE BRANCH OF GOVERNMENT PROTECTED UNLAWFUL EXTENSION OF JUDICIAL IMMUNITY.

Article II, Section 3

PRESIDENT RONALD REAGAN PROTECTED UNLAWFUL EXTENSION OF JUDICIAL IMMUNITY.

The Constitution commands that the President "shall take care that the laws be faithfully executed," and specific congressional statutes direct executive assistance in carrying out court decisions, and he refused to do so.

Article III

The people gave the Supreme Court (called the Judicial Branch) the power to interpret the laws. THis includes the power to decide whether or not a law, either state or federal, is in accord with the Constitution. This the United States Supreme Court refused to do in four (4) petitions.

Article VI

Violation of oath to uphold the Constitution.

Amendment 14

Violated...guarantee to everyone due process of law, and equal protection of the laws.

ARGUMENT

The Ninth Circuit ruled in effect that judges are immune from liability even if they knowingly protect written agreement to

violate anti-trust laws, knowingly protect Dummy corporation formed to conceal proceeds, and knowingly cover up illegal attorney/ judge alliances.

The Ninth Circuit's disposition was without a published opinion under Ninth Circuit Rule 36-3. The Ninth Circuit was aware that the rule would serve well to cover up unlawful acts.

Unpublished rulings escape public notice. The decisions are hidden because they come in "unpublished" opinions from the state Courts of Appeal. As a legal matter, an unpublished opinion creates no precedent and cannot be cited in any other cases. It also escapes the attention of the public and lawyers since it is not printed in the advance sheets of court opinions. The rule unlawfully served to obtain four (4) denials of Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit,

No. 80-1309, No. 83-1208, No. 86-821, No. 89-591.

The rule and the Executive Branch and Legislative Branch of the government's refusal to investigate the matter provided the United States Supreme Court with the means to protect those unlawful acts with the words, "certiorari denied."

The Executive and the Legislative Branches of government conceded to the Judicial Branch of government the right to obstruct justice and the right to serve the people in a dual capacity, namely, to pick and choose who they will punish and who they will protect (whatever their crime may be) enabling the Judicial Branch to violate its sworn obligation to uphold the Constitution and the laws of the United States of America in violation of Article I, Section I, and Article II, Section 3.

The Government's violation of the Constitution and laws is so obvious that it can be correctly identified by the man in the street, the man unlearned in law, the man who may well never even read the Constitution. It is difficult to imagine any judicial frame of mind that could save the Government from the legitimate charge of willful violation of the oath of office by unanimous conspiracy among the members of the three branches of Government not one of whom raised his voice to analyze the conduct of the Court and to point to the simple and obvious truth that the Supreme Court Justices, under color of their official positions, were violating not only appellant's rights, but also the invididual rights of the American People.

The three branches of government in so conducting themselves are alleged hereinabove as official governmental decision makers

acting under color of law, have conspired together to deprive plaintiff of the rights, privileges and immunities guaranteed him by the Constitution of the United States and the laws enacted thereunder in violation of 42 U.S.C. 1985, 42 U.S.C. 1986, and all hereinabove violations, and are liable to plaintiff injured under 42 U.S.C.A.

> "Right to trial by jury is guaranteed with respect to criminal cases by Art.111, Sec.2, cl.3 of U.S. Const., and with respect to 'suits at common law, where the value in controversy shall exceed twenty dollars,' by the Seventh Amendment. Such right is also preserved by rule of court (e.g. Fed.R.Civil P.38) and by the Fifth Amendment, which provides, inter alia, for indictment by grand jury, and the Sixth Amendment,

which contains further specifications respecting jury trial in criminal cases.

"In addition, state constitutions provide for right to jury trial and the Supreme Court has held that the Fourteenth Amendment guarantees a right of jury trial in all state criminal cases which, were they to be tried in federal court, would come within the Sixth Amendment's guarantee." Duncan v. Louisiana, 391 U.S. 145, 88 S.Ct. 1444, 20 L.Ed.2d 491.

LAW OFFICES OF JOSEPH L. ALIOTO

ABANDONED LEE ON MAY 24, 1972.

Law Offices of
JOSEPH L. ALIOTO
One Eleven Sutter Street
San Francisco, California 94104

(415)434-1200

May 24, 1972

Mr. Monte Lee
6711 Yucca Street
Los Angeles, California 90029

Dear Monte:

As Brian and I stated to you on Thursday, May 18, 1972, our office will no longer represent you in your action against Metro-Goldwyn-Mayer and Cinerama. I did tell you that I would attempt to make some evaluation of the present position of your lawsuit and give you my best opinion of the effect of Judge Byrne's ruling which directed a verdict in favor of the defendants.

As I explained to you before and during the trial of your case there are certain procedural steps left open to a litigant after trial has terminated. It is my opinion that you should retain and consult with

another attorney in order to become fully advised as to what these procedural steps are so as to best safeguard your interests. This should be done immediately.

It is my understanding that, under the Federal Rules of Civil Procedure, a plaintiff like yourself has a period of 10 days after the entry of judgment within which to make a motion for a new trial. You may wish to move under F.R.C.P. 60 for release from Judge Byrne's ruling. Such a motion must be made within a "reasonable time." In the event you wish to appeal the order granting a directed verdict, it is my understanding that you have 30 days from the entry of judgment from which to file your notice of appeal.

With respect to providing you with the above-going information as to procedural alternatives and time periods, we can only warn you that, since our association as attorney/client terminated on May 18, 1972 after the trial of this matter, you should immediately contact other counsel as to these matters and that you are not to rely upon or construe any of the information we are providing you with in this letter as "the advice of my attorneys". We are telling you this so that you will be in the best possible position to consult another lawyer with respect to these matters and protect your interests as you conveive them to exist.

It was our pleasure to be able to represent you in this litigation and we are sorry that the rather intensive efforts which we devoted to your case did not conclude with a result more satisfactory to your.

You know that we have a box of documents along with certain pleadings and correspondence which we are holding here for your directions, the other box of documents was left, per your instructions, at the Miramar Hotel in your name.

We hope that you will keep in touch and advise us of eventualities. Please give my personal regards to Martin and thank him for his cooperation.

Very truly yours,

/s/
Lawrence J. Appel
For Law Offices of
Joseph L. Alioto

LJA:msc

CONCLUSION

For the foregoing reasons, this Reply Brief to the Brief for the United States in Opposition should be granted.

DATED: 5/26/92

Respectfully submitted,

MONTE LEE
Petitioner Pro Se